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Attorneys for Plaintiffs
KENNETH PRESBA and KRIS PRESBA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH PRESBA and KRIS
PRESBA,

Plaintiff,

vs.
THE HOME DEPOT U.S.A., INC.; et
al.,

Defendants.

Case No. 2:22-cv-01241-KJN

**STIPULATION TO EXTEND
DISCOVERY DEADLINES AND
ORDER (FRCP 16(b)(4))**

Trial Date: November 22, 2023

Plaintiffs KENNETH PRESBA and KRIS PRESBA and Defendant HOME
DEPOT, U.S.A., INC., through their respective counsel have met and conferred
concerning discovery, settlement, mediation, and the current discovery deadlines. For the
reasons set forth below, the parties jointly request a modification of the scheduling order
to extend the fact and expert discovery deadlines as follows:

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Event	Current Date	Proposed Date
Fact Discovery Deadline	February 10, 2023	March 31, 2023
Plaintiffs' Expert Disclosure	February 24, 2023	April 14, 2023
Defendant's Expert Disclosure	March 24, 2023	April 28, 2023
Rebuttal Expert Disclosure	April 21, 2023	May 9, 2023
Expert Discovery Deadline	July 28, 2023	Unchanged
Law and motion, except as to discovery-related matters	September 26, 2023	Unchanged
Final pretrial conference	October 24, 2023 at 9 am	Unchanged
Jury Trial	November 22, 2023 at 9 am	Unchanged
Jury Selection	November 27, 2023 at 9 am	Unchanged

The good cause for seeking the modification to the scheduling order to extend discovery and expert disclosure deadlines is as follows: the attorney at Goodman Neuman Hamilton LLP who had been handling this case, Paige Yeh, left the firm unexpectedly as of December 13, 2022. As of that date, Joshua S. Goodman undertook the handling of this case and has met and conferred with counsel for Plaintiffs about the status of discovery, settlement and mediation. During those discussions, it became apparent that the parties desired to attempt to resolve this matter through settlement discussions and if need be through private mediation. The parties desire some additional time to explore settlement without having to undergo the time and expense of expert disclosure and discovery, including and independent medical examination of Plaintiff KENNETH PRESBA.

The parties are not seeking to modify or extend the deadline to complete expert discovery or any motion deadlines, and are not seeking to modify the dates for the Final Pre-trial Conference or jury trial. The parties believe that allowing additional time to complete fact discovery and to disclose experts will allow them to focus on settlement and will make settlement more likely by limiting the expenses both parties will incur in completing discovery and disclosing experts.

1 Respectfully Submitted,

2 **ECF CERTIFICATION**

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4 I, Joshua S. Goodman, certify that the content of this document is acceptable to the
5 undersigned counsel of record to affix my electronic signature hereto.

6 DATED: January 6, 2023

GOODMAN NEUMAN HAMILTON LLP

7 By: /s/ Joshua S. Goodman
8 JOSHUA S. GOODMAN
9 Attorneys for Defendant
HOME DEPOT U.S.A., INC.

10 **ECF CERTIFICATION**

11 I, William A Deitchman, certify that the content of this document is acceptable to
12 the undersigned counsel of record to affix my electronic signature hereto.

13
14 DATED: January 6, 2023

DEITCHMAN & DEITCHMAN

15 By: /s/ William A. Deitchman
16 WILLIAM A. DEITCHMAN
17 Attorneys for Plaintiffs
KENNETH PRESBA and KRIS PRESBA

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MODIFICATION TO SCHEDULING ORDER

The above STIPULATION FO EXTEND DISCOVERY DEADLINES AND PROPOSED ORDER is approved and the following deadlines are modified as follows:

Event	Current Date	Proposed Date
Fact Discovery Deadline	February 10, 2023	March 31, 2023
Plaintiffs' Expert Disclosure	February 24, 2023	April 14, 2023
Defendant's Expert Disclosure	March 24, 2023	April 28, 2023
Rebuttal Expert Disclosure	April 21, 2023	May 9, 2023

IT IS SO ORDERED.

Dated: January 17, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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